

**United States Government  
National Labor Relations Board  
OFFICE OF THE GENERAL COUNSEL**

## Advice Memorandum

DATE: January 26, 1996

TO : Richard L. Ahearn, Regional Director  
Region 9

FROM : Barry J. Kearney, Associate General Counsel  
Division of Advice

SUBJECT: Carpenters Local 2540  
(Textron, Inc.)  
Case 9-CB-9198

536-2554-3100

This Section 8(b)(1)(A) case was submitted for advice because it raises various question concerning CWA v. Beck.<sup>1</sup>

We reach the following conclusions:

1. The Local Union violated Section 8(b)(1)(A) by threatening to have Charging Party Katrina Cutler discharged unless she paid full initiation fees and dues required of members before the Local Union gave her notice of her rights to become a Beck objector.<sup>2</sup>
2. The notice that the Local Union provided to 11 other nonmembers and belatedly provided to Cutler was deficient because, although it stated that nonmember objectors had the right to pay only for representational activities, it did not contain any information about the relative sums the Local Union spent on representational and nonrepresentational activities or the percentage of dues that objectors must pay.<sup>3</sup>
3. After the Local Union received Cutler's objection, it violated Section 8(b)(1)(A) by failing to provide her with a breakdown of its chargeable and nonchargeable

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<sup>1</sup> 487 U.S. 735 (1988).

<sup>2</sup> See United Food and Commercial Workers Local 555, Cases 36-CB-1984 et al., Advice Memorandum dated June 26, 1995.

<sup>3</sup> See GC Memorandum 88-14, "Guidelines Concerning CWA v. Beck, November 15, 1988.

expenditures.<sup>4</sup> It merely informed her of the percentages of full dues and fees that she was required to pay.<sup>5</sup> If the Local Union furnishes objectors disclosures, even inadequate ones, it is privileged to collect representational amounts from nonmember objectors.<sup>6</sup> Here, the Local Union has the information for a financial disclosure, but has apparently failed to provide it to objectors. Therefore, the Local Union is not privileged to collect representational costs from objectors such as Cutler.

B.J.K.

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<sup>4</sup> See UFCW Local 588 (Raley's), Case 20-CB-9284, Advice Memorandum dated April 24, 1995, at pp. 5-7; St. Louis Newspaper Guild, Local 57 (St. Louis Post-Dispatch), Case 14-CB-3843, Advice Memorandum dated April 3, 1995, at pp. 2-4.

<sup>5</sup> Compare IBEW Local 1470 (AT&T), Case 27-CB-3472 (formerly 22-CB-8003), Advice Memorandum dated August 7, 1995, at pp.2-3; UFCW Local 588 (Raley's), Case 20-CB-9284, Advice Memorandum dated April 24, 1995, at pp. 5-7.

<sup>6</sup> See Aerojet General-Gencorp, Cases 20-CA-22873, 22902 and IAM, Cases 20-CB-8056, et al., Advice Memorandum dated March 29, 1991, at pp. 28-29.